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March 29, 2024

SO ORDERED

Hon. George B. Daniels  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

The sentencing scheduled for April 3, 2024  
is adjourned to May 7, 2024 at 10:00 a.m.

APR 01 2024

*George B. Daniels*  
GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE

**Re: United States v. Felix-Aracena, et al.**  
**21-CR-021 (GBD)**

Dear Judge Daniels:

I am counsel for **Cristian Cruz**, a defendant in the above-captioned matter. I write today with the Government's consent to request a 30-day adjournment of the sentencing hearing currently scheduled for Wednesday, April 3, 2024, at 10:00 am.

Mr. Cruz is currently a primary state inmate, being held at MDC Brooklyn on a writ for this prosecution. He faces sentencing in a Bronx case for an offense we believe will be determined to be relevant conduct to the instant offense. It is anticipated that he will receive a sentence of 2 years. Because he has been in primary state custody for 27 months he will have served that sentence before the date of sentencing.

Mr. Cruz also has a case pending in Queens with a sentencing date of April 24, 2024. It is anticipated that he will receive a sentence of 10 years, to be served concurrently with the sentence imposed in this case.

It is our wish that Mr. Cruz serve his time in a federal facility. After consulting with Mr. Cruz's state attorneys and with colleagues in this District, it is our understanding that, for Mr.

Cruz to serve his sentence(s) in the federal system rather than in the state, he needs to be a primary federal inmate on the date of his federal sentencing. We understand that this can be done if Mr. Cruz is permitted nominal bail in the Bronx and Queens thereby converting Mr. Cruz' status to that of a primary federal inmate.

Mr. Cruz' Queens and Bronx County defense attorneys have informed counsel that their respective courts are likely to be receptive to setting nominal bail for Mr. Cruz. The Queens County judge is away until the week of April 8, 2024. For this reason, we respectfully ask that the Court grant a short adjournment of Mr. Cruz's sentencing, so that he can be bailed in Queens and the Bronx, and become a primary federal inmate before sentence is imposed in this case.

Thank you for your consideration of this request and for continued courtesies to counsel.

Respectfully,

          /s/            
Richard H. Rosenberg, Esq.

Cc: All counsel (by ECF)